

Guidelines for premature release
under the "14 Year Rule" of
Prisoners serving life sentence
after 18th December, 1978

GOVERNMENT OF MAHARASHTRA

Home Department,

Government Resolution No. RLP 1006/CR 621/PRS-3,

Mantralaya, Mumbai 400 032.

Dated 11 th April, 2008

Read : Government Letter No. RLP 1092/13/252/PRS-3,

dated the 11th May, 1992

Resolution :

After amendment to the Code of Criminal Procedure, 1973 by Criminal Procedure Act (Amendment) 1978, restricting the power of appropriate Govt. to remit the sentence of the convict under section 433-A, the State Govt. framed the guidelines as laid down in Govt. letter No. RLP 1092/30/352/PRS-3, dtd. 11.5.1992. However, no guidelines were framed for those convicts undergoing life sentence and not covered by section 433-A of the Cr. P C. For that purpose, guidelines issued in the Govt. letter No. RLP 1077/348/PRS-3, dtd. 16.11.1978 were being relied upon. The question of revising guidelines already laid down in the Government letter dated 11.5.1992 as well as the question of laying down detailed guidelines for premature release of the life convicts not covered under section 433-A of the Code of Criminal Procedure, was under consideration of the Govt. After due consultations with various Departments and Non-Govt. Organisations (NGOs), Govt. has decided to lay down revised guidelines as per Annexure -I in the place of guidelines dated. 11.5.1992 and new guidelines as per Annexure -II annexed to this resolution.

2. These guidelines will be applicable from the date of issue of this Govt. Resolution and will supersede all earlier orders or guidelines. These guidelines will be applicable in the normal course to the convicts undergoing life sentence and those having good behaviour while undergoing the sentence.

3. In Cases of life convicts covered under these guidelines, the process of review shall commence after completion of 12 years of actual imprisonment for review under "14 Year Rule" to which provisions of section 433-A of the Code of Criminal Procedure are applicable and after completion of eight years to which provisions of section 433-A of the Code is not applicable.

4. If there is a difference of opinion between the Prison Advisory Board and the Inspector General of Prisons, the Inspector General of Prisons shall record the specific reasons in support of his recommendations.

5. The State Govt. reserves its right to remit any sentence to release the prisoners only after undergoing imprisonment in excess for which there is no specific guidelines as mentioned in the annexures enclosed with this Government Resolution.

By order and in the name of Governor of Maharashtra,


11/4/2008
(S. C. Mondkar)

Deputy Secretary to the Government of Maharashtra,
Home Department.

Copy to :

The Principal Secretary to the Governor of Maharashtra,
The Principal Secretary to the Chief Minister,
The Secretary to the Deputy Chief Minister,
The Private Secretary to the Minister of State (Home)
The Inspector General of Prison , Maharashtra State , Pune,
All Deputy Inspector Generals of Prison,
All Superintendents of Prison,
All Desks, Home Department,
Select File , PRS-3

Annexure I

| Category No. | Categorization of crime | Period of imprisonment to be undergone including remission subject to a minimum of 14 years of actual imprisonment including set off period |
|--------------|---|---|
| 1 | Offences relating to crimes by women | |
| | a Where the convict has no previous criminal history and has committed the murder in an individual capacity in a moment of anger and without premeditation or under physical, mental provocation. | 18 |
| | b Where the convict has committed the murder with premeditation. | 20 |
| 2 | Offences relating to crimes against women and minors | |
| | a Where the convict has no previous criminal history and committed the murder in an individual capacity in a moment of anger and without premeditation. | 20 |
| | b Where the crime as above committed with premeditation | 22 |
| | c Where the crime is committed with exceptional violence and or with brutality or death of victim due to burn and or murder with rape | 28 |
| 3 | Murder arising out of land dispute, family feuds, family prestige and superstition | |
| | a If the offence is committed in individual capacity and without premeditation . | 20 |
| | b Crime committed as above with premeditation, either individually or by a gang | 22 |
| 4 | Murder for other reasons. | |
| | a Where a murder is committed in the course of quarrel without premeditation in an individual capacity and the person has no previous criminal history. | 20 |
| | b Murders resulting from trade union activities and business rivalries | 22 |

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|---|---|--|---|
| | c | Crime committed (a) above but with premeditation or by a gang or by a person having criminal history | 24 |
| | d | Murder committed with premeditation and with exceptional violence and or brutality | 26 |
| | e | Murders committed by dacoits and robbers in the act of committing dacoities and robberies | 26 |
| | f | Murders committed by bootleggers,gamblers,flesh traders etc. | 26 |
| 5 | Murder for Political reasons. | | |
| | a | Murders arising out of political rivalry and political interest without premeditation | 24 |
| | b | Murders arising out of political rivalry and political interest, with premeditation | 26 |
| | c | Murders committed in pursuance of a political philosophy and as means to acquire political powers as by terrorist or extremist group | 30 |
| 6 | Murder committed by gangsters, contract killers, racketeers etc. | | |
| 7 | Escapees | | |
| | a. | Prisoners who are declared absconders under section 82 of Cr.P.C. 1973. | 26 |
| | b | Prisoners who have escaped from lawful custody while undergoing imprisonment. | 28 |
| 8 | Prisoners whose death sentence has been commuted to life imprisonment | | |
| 9 | Any other such offences which are of exceptional and or of heinous nature and /or those indulging in other form of organised crime in furtherance of their criminal activities the State Government shall have power to reject the proposal for premature release or remit only such period Which it deems fit. | | |
| | | | It may be decided taking into consideration the nature of offence and effects of crime on the society at large and also conduct of the convict. |

Annexure II

| | | PERSONS GUILTY OF OFFENCES NOT INVOLVING MURDER WHO ARE SENTENCED TO LIFE IMPRISONMENT WHERE SECTION 433 (A) OF CrPC IS NOT APPLICABLE. | |
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| Sr.No. | I.P.C Section | Nature of Offence | Period of imprisonment to be undergone including remission subject to a minimum of 10 years of actual imprisonment including set off period. |
| 1 | 304, 304(a), 307 | Persons guilty of homicides not amounting to murder, causing death by negligence attempt to murder etc. | 14 years |
| 2 | 304(b) | Person guilty of causing death for dowry | 20 years |
| 3 | 311 | Persons guilty under this section (Thugs) | 14 years |
| 4(a) | 313, 314 | Persons guilty of causing miscarriage of unborn child without woman's consent or any such act which results in her death | 14 years |
| 4(b) | | In case such victim is minor | 16 years |
| 5 | 326, 329 | Persons guilty of causing grievous hurt under these sections | 14 years |
| 6 | 363 (A)(2) | Persons guilty of kidnapping for maiming | 18 years |
| 7(a) | 364 | Persons guilty of kidnapping for ransom , | 16 years |
| 7(b) | 364 | In case such victim is minor | 18 years |
| 8(a) | 376 | Persons guilty in Rape cases | 18 years |

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| 8(b) | 376 | Where victim is minor | 20 years |
| 8(c) | 376(1) | Rape of physically handicapped or mentally retarded female, pregnant woman, gang rape or custodial rape | 22 years |
| 9 | 388 to 400 | Persons guilty of extortion, robbery, dacoity etc. under these sections | 14 years |
| 10 | 409 | Persons guilty of criminal breach of trust under this section | 14 years |
| 11 | 412, 413 | Person guilty of offences related to stolen property under these sections | 14 years |
| 12 | 436, 438 | Person guilty of mischief described under these sections | 14 years |
| 13 | 449 | Person guilty of house-tress pass in order to commit offence punishable with death | 20 years |
| 14 | 459 | Person guilty of causing grievous hurt whilst committing house-break or house tress pass | 14 years |
| 15 | 460 | Person guilty of in lurking house trespass or home breaking where death or grievous hurt is caused | 18 years |
| 16 | 467, 472, 474, 475, 489A, 489B, 489D | Person guilty of forgery or counterfeit substance etc. | 14 years |
| 17 | 222, 225 | Persons guilty of offences described under these sections. | 20 years |

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|----|---------------------|--|---|
| 18 | 232, 238, 255 | Offences relating to of Coin and Government stamps, Counterfeiting Government Stamp : | 20 years |
| 19 | | Persons sentenced to life imprisonment for offences like (a) offences against the state (chapter VI IPC(b)) Abetment of Mutiny (Section 130,132 IPC (c) Offences against public justice (Sec.222 & 225 of IPC . | 30 years |
| 20 | | Person sentenced to life imprisonment for crimes which are not covered by the above mentioned guidelines laid down by Government. | It may be decided taking into consideration the nature of offence and effects of crime on the society at large and also conduct of the convict |
